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BOOK REVIEW

THE “NEW REALISM” AND THE CRISIS OF THE HUMAN RIGHTS MOVEMENT:

A REVIEW OF

In Our Own Best Interest: How Defending Human Rights Benefits Us All. By William F. Schulz. Boston, Massachusetts: Beacon Press, 2001. Pp. 235 Hardcover. \$25.00

Reviewed by **Stephen F. Diamond***

If the future of the international movement for human rights is to be guided by the thinking of William Schulz, it may really be in deep trouble. The significance of the very concept of human rights lies in its attempt to establish the existence of rights in advance of and independent from the state, inherent to humans as a species, not granted to them from those who happen to be in power. Thus, the Universal Declaration of Human Rights speaks of the “*inherent* dignity and of the equal and *inalienable rights* of all members of the human family” and states that “[a]ll human beings are *born* free and equal in dignity and rights.”¹ One turns to the state system only to enforce those rights that are considered inherent in, and essential to, human existence.² There is no ques-

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1. Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. GAOR, 3d Sess., at 71, U.N. Doc. A/810 (1948) (emphasis added).

2. There is an understandable objection to this approach that would suggest that there is a natural law bias in the words of the Universal Declaration that limits its applicability in the modern world. While a reaction to this argument is beyond the scope of this review, suffice it to say that I believe that this argument is a straw man that attempts to limit the viability of the human

tion that this is a radical proposition, which is why states are almost always ambiguous at best in enforcing human rights. But for Schulz, personally troubled and frustrated by the apparent lack of concern for human rights among the general population in the United States, the ambiguity of state support for human rights requires an engagement, even a rapprochement, with the core ideology of the state system: realism.

At first glance, Schulz appears committed to developing an independent perspective on human rights theory, which is motivated by a reassessment of the role that human rights plays in the exercise of state power. In his view, human rights activists should recast their advocacy and "fram[e]" human rights advocacy "in the language of realpolitik."³ Thus, he calls not for the end of the state system but for its reform through the application of a "new realism."⁴ He defines his central concern at the outset by contrasting two approaches to human rights:

[T]hat question is at the heart of this book: Is supporting human rights both around the world and at home in the United States a mere moral luxury? Or is it, in ways we rarely see and our own leaders often fail to understand, integral to the pursuit of Americans' own best future? I argue that the latter is the case⁵

Unfortunately, in the end this turns out to be a kind of false advertising. Schulz cannot quite do away with his own moralism, which the reader is initially led to believe is the source of the political limit that human rights advocacy appears to have now encountered.⁶ He finishes the book with a surrender to the original morality that he feels is so limiting to the human rights movement:

rights movement. Unfortunately, Schulz himself concedes too much to this viewpoint, arguing that we can save the natural law shortcomings of the Declaration by an appeal to a so-called "third way." See WILLIAM F. SCHULZ, *IN OUR OWN BEST INTEREST: HOW DEFENDING HUMAN RIGHTS BENEFITS US ALL* 21 (Beacon Press 2001).

3. See *id.* at 7.

4. See *id.* at 193 ("What I have offered in this book is not a replacement for 'realism' but a corrective to it. That is why I call for a 'new realism' . . .").

5. *Id.* at xvii.

6. See *id.* at 6-7 ("Appeals to morality reach in a consistent fashion only that portion of the public for whom morality bests convenience in its long-term understanding of the world.").

[This book] is a mere footnote to the reason we ought to offer that hand [of support to those in need] in the first place: because to look on human agony and consistently remain unmoved is to be dead in all the ways that truly matter, dead to the mystery of pulse and breath, dead to the gifts of grace and kindness, dead to the fragility of Creation. Ultimately I do not care why we staunch another's suffering. Only that we not remain indifferent.⁷

This "false advertising," however, should not lead a reader to think that Schulz is being disingenuous. It seems very likely that he does this unconsciously. Instead Schulz falls into the kind of trap that has befuddled moral activists for many years. Many such well-intentioned activists become convinced that the wider public is under certain illusions about how "the system" really works and that if only they can strip away this "false consciousness," the "masses" will rise up in support of their movements. Thus, Schulz writes: "[I]f the American public is to care about human rights crimes committed against their fellow citizens in the United States, they *must understand* how those crimes endanger their own interests. If large numbers of Americans are ever to care about human rights violations around the world, they *must be able to see* the implications of those violations for their own lives here at home."⁸ But within the moral activist milieu, which of course can undertake very effective and constructive political action at times, Schulz wants to craft an argument that will make clear to the masses and power elite alike that human rights are in "the interests of the system itself." "A new realism," he writes, "would take human rights out of the box marked 'preferences' and place it solidly in the box marked 'strategic interests.'"⁹ In Schulz's view, there *is* no fundamental problem with the state system. Rather, it is simply a matter of seeing all there is to see and understanding will follow.

But in taking this road, Schulz misstates the realist framework and, at the same time, underestimates the potential of the human rights movement, which I would suggest is far healthier now, than in any period since the end of World War II. The Schulz effort is a problematic one and in the end,

7. *Id.* at 197.

8. *See id.* at 7 (emphasis added).

9. *Id.* at 193.

unsatisfactory, no matter how much one agrees, as I do, with the core values and goals of the author. The book also suffers from an over-simplification of complex problems. Nonetheless, the issues at stake are serious. Schulz, as Executive Director of Amnesty International USA, has a wealth of experience in dealing with them and since his viewpoint is far from an isolated one, it is worthwhile to consider his argument carefully.

Schulz is to be praised for even attempting to confront realism, but he really does not seem to have done his homework. Realism is not just the world of a popularly conceived *realpolitik*, where countries selfishly pursue their own power as if they were so many billiard balls bouncing off of each other in ceaseless conflict. Realism, together with its intellectual spin-off, neo-realism, is, in fact, a rich and complex set of propositions about the way that states behave in the world system. It stands for the fact that states inevitably, naturally, pursue their own interests. Alliances, relations and confrontations with other states are to be shaped by whatever suits that interest. Thus, the internal affairs of another state are, in a sense, taken for granted and only in rare instances must the realist position concern itself with what takes place within the realm of domestic politics.¹⁰ But that is not the same thing as saying as Schulz does that: "Realists' regard the pursuit of rights as an unnecessary, sometimes even a dangerous extravagance, often at odds with our national interests."¹¹ One would be hard-pressed to understand a half-century of rhetoric emanating from the Cold War anti-communist apparatus of the United States apart from a consideration of some kind of concern with human rights, even if one were to conclude, in the end, that this was hypocritical and entirely self-serving. The point is, rather, that states, whether capitalist or communist, are hostile to the existence of any movement that claims autonomy from their control—in that sense, concern about rights and morality can conflict with even a richly designed concept of national interest.

In the end, that is what makes the human rights agenda such a threat to the state system and may go much further in

10. See generally KENNETH N. WALTZ, A THEORY OF INTERNATIONAL POLITICS (Addison-Wesley 1979).

11. See SCHULZ, *supra* note 2, at 13.

explaining its difficulty in generating wider support. Schulz does a marvelous job of using vignettes from his vast experience in human rights advocacy to demonstrate the critical role that the work of Amnesty International, Human Rights Watch and other non-governmental organizations play in world politics. From this experience he draws the appropriate conclusion that "human rights represent a vision of what we want our common life to look like."¹² But then he seems afraid to be satisfied with what I think is an inevitable conclusion: it must surely be clear that this utopian vision - meant in the very best sense as an aspiration for a just society, rather than the unattainable world of a Don Quixote - will be destined to conflict with power in today's status quo. The achievement of this vision will eventually be the work of millions, but the development of the ideas and values supporting it may remain the work of a tiny few for many years.

Beyond his limited assessment of realism *per se*, Schulz seems unaware of a thirty-year effort by theorists of interdependence,¹³ regime theory¹⁴ and international political economy¹⁵ to devise coherent alternatives. More importantly, he

12. See *id.* at 96.

13. See ROBERT O. KEOHANE & JOSEPH S. NYE, *POWER AND INTERDEPENDENCE* 3 (Scott, Foresman and Company 1989).

Henry Kissinger, though deeply rooted in the classical [realist] tradition has stated that "the traditional agenda of international affairs - the balance among major powers, the security of nations - no longer defines our perils or our possibilities Now we are entering a new era. Old institutional patterns are crumbling; old slogans are unconstructive; old solutions are unavailing. The world has become *interdependent* in economics, in communications, in human aspirations."

Id. (emphasis added). See also *NEOREALISM AND ITS CRITICS* (Robert O. Keohane ed., 1986) [hereinafter *NEOREALISM*].

14. See ROBERT O. KEOHANE, *AFTER HEGEMONY: COOPERATION AND DISCORD IN THE WORLD POLITICAL ECONOMY* 244 (Princeton University Press 1984) ("[W]orld politics is not a state of war. States do have complementary interests, which make certain forms of cooperation potentially beneficial. . . . [R]egimes create a more favorable institutional environment for cooperation than would otherwise exist").

15. See SUSAN STRANGE, *MAD MONEY: WHEN MARKETS OUTGROW GOVERNMENTS* 190 (University of Michigan Press 1998).

[A]t the end of the day, of course, we are talking about relative values and social preferences. . . . That is what the debates in international political economy and in theoretical economics ultimately boils down to. . . . Our problem in the next century is that the traditional authority of the nation state is not up to the job of managing mad international money

Id.

does not seem to understand the historical context of modern, post-World War II realist thinking and its actual impact on the nascent human rights movement. Realist thinking took hold in the academy in the fifties and sixties with the onset of the Cold War and the nuclear confrontation between east and west. Slowly, it has worked a rather perverse magic over large chunks of social science, nearly paralyzing serious qualitative research and practically devastating comparative analysis.¹⁶ The virtues of Geertzian "thick description" gave way to modeling and regression analysis.¹⁷ All of these theories were very convenient approaches for the designers of nuclear weapons systems, but deadly for anyone who really

16. See Chalmers Johnson & E.B. Keehn, *A Disaster in the Making: Rational Choice and Asian Studies*, NAT'L INT., Summer 1994, at 14-22; STEVEN CLEMONS, JAPAN POLICY RESEARCH INSTITUTE, JPRI WORKING PAPER #1, JAPAN STUDIES UNDER ATTACK: HOW RATIONAL CHOICE THEORY IS UNDERMINING AMERICA'S UNDERSTANDING OF THE WORLD (Aug. 1994), at <http://www.jpri.org/jpri/public/wp1.html>. Steven Clemons writes that

[T]he threat the Soviet Union posed to American interests following World War II motivated private foundations and the federal government to invest massively in Soviet studies But complementing this national infrastructure of Soviet area studies was the emergence of another school of thought, that of game theoretic and other quantitative models to explain international affairs in the Cold War context. While the U.S. and Soviet Union competed in the world's biggest arms race, each eventually holding a nuclear knife to the other's throat, analysis that did not depend on knowing the Russian language, that did not require an understanding of Russian history and culture, that did not demand awareness of Soviet government and Communist Party institutional structures began to take hold.

CLEMONS, *supra*.

17. "Thick description" refers to an approach to knowledge and theorizing about the world that relies on inductive reasoning—deriving one's understanding of the world by immersing oneself in a subject rather than deductively reasoning from a set of "objectively" defined principles established abstractly in advance. The concept was coined by philosopher Gilbert Ryle but brought into the social sciences more generally by anthropologist Clifford Geertz. See GILBERT RYLE, *The Thinking of Thoughts – What is 'Le Penseur' Doing?*, in 2 COLLECTED PAPERS 474 (1971); CLIFFORD GEERTZ, *THE INTERPRETATION OF CULTURES* (Basic Books 1973). For Ryle, thick description, as opposed to thinner descriptions, allows us to see that "a statesman signing his surname to a peace-treaty is doing much more than inscribe the seven letters of his surname, but he is not doing many or any more things. He is bringing a war to a close by inscribing the seven letters of his surname." RYLE, *supra*, at 483. The role of theory is "not to codify abstract regularities but to make *thick description* possible, not to generalize across cases but to generalize within them." GEERTZ, *supra* (emphasis added). For an application of the Geertzian approach to international relations theory, see Robert O. Keohane, *Theory of World Politics: Structural Realism and Beyond*, in NEOREALISM, *supra* note 13, at 158-203.

wanted to have a grasp on how the real world works.¹⁸ In the words of Steven Clemons,

rational choice orthodoxy [is] spreading disease-like through American universities and slowly undermining and crippling area studies programs, will blind America, cause bungled assessments of international affairs, and cause us to strike out at the wrong times and not strike at the right times. A disaster is brewing, and U.S. universities are much to blame.¹⁹

In the wake of the events of September 11 this is perhaps more apparent than it had been previously, though those who recall the attempt to assess "success" in the U.S. war against Vietnam in terms of "body counts" will not have need of such a tragic reminder.

Frozen between the two blocs, East and West, the room for independent political thought and action by democratic movements was severely limited. Any dissident group, whether Charter 77 in the eastern bloc,²⁰ or the European Nuclear Disarmament ("END") movement in western Europe,²¹ was branded a tool of the respective opposing bloc.

18. For a critical assessment of the impact that rational choice analysis (the epistemological handmaiden of realist theory) has had on political science, see Chalmers Johnson, *Preconception vs. Observation, or the Contributions of Rational Choice Theory and Area Studies*, PS: POLITICAL SCIENCE AND POLITICS 170-74 (June, 1997) and Robert H. Bates et al., *Controversy in the Discipline: Area Studies and Comparative Politics*, 30 PS: POLITICAL SCIENCE AND POLITICS 166-79 (1997). See also Johnson & Keehn, *supra* note 16, at 14.

19. See CLEMONS, *supra* note 16, at 4.

20. "Charter 77" refers to a manifesto issued and signed by 230 prominent Czech intellectuals announcing the establishment of "a free informal, open community of people of different convictions, different faiths and different professions united by the will to strive, individually and collectively, for the respect of civic and human rights in our own country and throughout the world . . ." Signatories included Vaclav Havel, the first democratically elected president of post-communist Czechoslovakia. Many of the signatories were arrested or harassed by Czech communist authorities. The text of the manifesto is available at the Web site address http://memory.loc.gov/frd/cs/czechoslovakia/cs_appnd.html (last visited March 19, 2002).

21. END refers simultaneously to an organization founded by left wing British intellectuals, and a broader social protest movement that surrounded the organization, that opposed weapons of mass destruction generally and, in particular, the stationing of U.S. nuclear weapons on the west European continent during the 1980s. British historian E.P. Thompson led the British organization. See Peter Baehr, *E.P. Thompson and European Nuclear Disarmament (END): A Critical Retrospective*, THE ONLINE JOURNAL OF PEACE AND CONFLICT RESOLUTION, Issue 3.1 (Mar. 2000), at http://www.trinstitute.org/ojpcr/3_1baehr.htm#N_4_.

The result was a disaster for the tentative birth of the post-war human rights movement. Discussion of human rights was often viewed through the lens of cold war positions. The east argued that material needs such as housing, jobs and education were "rights" that outweighed "mere" civil liberties. The west, in turn, pointed to the centrality of the freedom of speech, religion and the press and to the importance of the rule of law. Both scored points because of the obvious shortcomings of the opposing bloc. A kind of proxy war for the hearts and minds of the developing world raged over these issues.²²

But a more insidious problem developed that continues to haunt the post-Cold War world. Within independent movements of opposition to each bloc, there developed a kind of thinking that concluded, "the enemy of my enemy is my friend." This led to the worst absurdities of the anti-war movement, with American students marching through the streets of Berkeley, Ann Arbor and Cambridge, waving the flag of the Stalinist National Liberation Front and chanting, "Ho, Ho, Ho Chi Minh, the NLF is gonna win." At the same time, deep within dissident movements in the east, the worst kind of intellectual appropriation became rampant, as the thinking of Hayek, Friedman and Thatcher took hold in the minds of activists in groups like Polish Solidarity. Of course, once market reforms were actually put into place under a Solidarity government, a strike wave of Polish workers toppled the new regime. Ever since, throughout Eastern Europe and the former Soviet Union, former communist parties have reemerged as "socialist" or "social democratic" parties to take power across the region.

Now this polarized approach threatens the anti-globalization movement, the very social force that has given renewed hope to the human rights agenda. Schulz, however, ignores the serious divisions among the various activist groups that have sprung up since the demonstrations at the November 1999 meeting of the World Trade Organization in Seattle, Washington. That event drew tens of thousands of people, highlighted by a confluence of labor, environmental,

22. For an assessment of the impact of Cold War politics on one developing country, see Stephen F. Diamond, *Class and Power in Revolutionary Nicaragua: The Rise and Decline of the Sandinista Movement* (1991) (unpublished Ph.D. dissertation, University of London) (on file with the author).

human rights and other activists in a week of protests that stopped the WTO meeting in its tracks. It was a major setback for the globalization process. More importantly, the appearance on the streets of Seattle of not only anarchists in tie-died t-shirts, but tens of thousands of middle class workers from the aerospace, trucking and auto industries, surprised even the organizers of the events. Schulz ignores the event and thereby sidesteps the crucial issues that it and subsequent protests in Genoa at the G-8 summit and at meetings of the World Economic Forum have put front-and-center on the global stage. This may be a result of Schulz's peremptory conclusion that "[r]ail against capitalism as you will, but recognize that since we are stuck with it, the test now is to make it work for the largest number of people."²³ But it may also follow from Schulz's difficulty in resolving the crucial divisions that plague the anti-globalization movement.²⁴

In particular, the movement is divided over varying approaches to labor rights and China.²⁵ These two issues seem close to Schulz's heart, as he appropriately highlights the important efforts of figures like Han Dongfang, the head of the independent labor support group in Hong Kong, the China Labour Bulletin. As Schulz recounts, Han was a leader of the effort to form an independent trade union during the democracy movement that swept across China in 1989, which ended in a brutal massacre of thousands by the People's Liberation Army in June of that year.²⁶ Many independent union activists were jailed in the wake of the crackdown, and many remain imprisoned to this day. Independent unions have been outlawed in China, and the government has

23. SCHULZ, *supra* note 2, at 103. Ironically, Schulz comes to this conclusion as global capitalism has begun to face some of its most serious challenges since the end of the cold war, whether from a renewed, if inevitably short-lived, fundamentalism in the middle east and Asia, or perhaps more fundamentally from the collapse of economies like Argentina and the potential of a new "political contagion" triggering the rise of a new radical populism in the developing world. See Marshall Auerback, *Cognitive Dissonance and the Washington Consensus*, PRUDENTBEAR.COM (Jan. 8, 2002), at <http://www.prudentbear.com/> (view under commentary archives, international perspective file).

24. For a discussion of these divisions, especially as they relate to international labor rights, see Stephen F. Diamond, *Bridging the Divide: An Alternative Approach to the International Labor Rights after the Battle of Seattle*, 29 PEPP L. REV. (forthcoming 2002).

25. *Id.*

26. See SCHULZ, *supra* note 2, at 98-100.

dealt with recent efforts to protest working conditions and the privations of economic restructuring with harassment and imprisonment.²⁷

Focusing on the rights of workers in China as it continues the process of "building market socialism,"²⁸ would seem an ideal test case for the international human rights movement. Schulz comes out in support of Han Dongfang's work, but he would find scant support in the wider activist movement. Many of the groups that joined the labor movement in the Seattle demonstrations, for example, stood on the sidelines, while the AFL-CIO led an effort to defeat the granting of Permanent Normal Trade Relations ("PNTR") with China in the spring of 2000.²⁹ Without PNTR, China would not have been able to join the WTO and that would have forced the WTO to seriously consider the question of integrating labor rights within the global trade regime.

Some have gone further and condemned the AFL-CIO as "racist" for its effort to block PNTR while singing the praises of the brutal Chinese regime. This perspective has taken hold in the most unlikely of places. The directors of two of America's major university-based labor education centers, Elaine Bernard at Harvard University and Kent Wong at the University of California at Los Angeles, recently condemned those who echo the concerns raised by Schulz over labor rights in China, as purveyors of a "racist," "national chauvinis[t]" "McCarthy-era view."³⁰ Incredibly, Wong and Bernard see a new dawn breaking for China's workers through the Communist Party-controlled All China Federation of Trade Unions, which is the only "labor organization" allowed to exist in China today.³¹ Thus, however absurd it appears,

27. See Tim Pringle, *Industrial Unrest in China: A Labour Movement in the Making?*, CHINA LABOUR BULLETIN (Jan. 30, 2002), at http://iso.china-labour.org.hk/iso/article.adp?article_id=1956 [hereinafter *Industrial Unrest in China*], reprinted at <http://www.fpif.org/outside/commentary/2002/0202chinalabor.html> (Foreign Policy in Focus, Washington D.C.), Feb. 20, 2002.

28. "Market socialism" is the term of art used by the Chinese regime to describe its efforts to restructure the Chinese economy along western style capitalist lines while retaining political power in the hands of the Communist Party.

29. See Diamond, *supra* note 24. PNTR allowed the U.S. government to dispense with annual reviews of human rights in China as a condition to the granting of most favored nation trade status with the United States.

30. See Kent Wong & Elaine Bernard, Letter to the Editor, NEW LABOR FORUM, Fall/Winter 2001, at 160-61.

31. See *Industrial Unrest in China*, *supra* note 27.

the “enemy of my enemy has become my friend.”

In a sense, the polarizing effects of Cold War thought remain with us. At some point, the human rights movement must confront this thinking. But an approach that only wants to build a “new” realism will not get us any closer to that goal. In the end, this book fails not because of its breezy style and lack of substance, but because of its intellectually limited vision.
